

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

**In re:**

**TOP LINE GRANITE DESIGN INC.,**

**Debtor.**

**Chapter 7**

**Case No. 22-40216-EDK**

**TRUSTEE’S EMERGENCY MOTION FOR RECONSIDERATION  
OF ORDER ON**

**TRUSTEE’S MOTION FOR ORDER APPROVING AUCTION  
SALE OF PROPERTY OF THE ESTATE FREE AND CLEAR OF LIENS  
AND ENCUMBRANCES PURSUANT TO 11 U.S.C. §363(b)**

Now comes Steven Weiss, Trustee in the above Chapter 7 case, through his counsel, and hereby respectfully moves that this Court reconsider its order denying an expedited determination of his motion to sell by public auction sale, all of the estate's right, title and interest in all equipment, furniture, fixtures and motor vehicles [Docket No. 451, the “Sale Motion”]. In support thereof, the Trustee respectfully states as follows:

1. As set forth in the Sale Motion and the related Application to Employ Auctioneer [Docket No. 450], which is incorporated by reference, the Trustee indicated that the proposed auction date is August 23, 2023, and the Trustee requested that the notice period for determination of the Sale Motion be shortened.

2. In the order [Docket No. 453, the “Order”] the Court denied expedited determination and scheduled the hearing on the Sale Motion for August 17, 2023.

3. The Trustee respectfully requests that the Court reconsider the Order and set a hearing date no later than August 2, 2023. The Trustee has conferred at length with the auctioneer. In order for the sale to be properly marketed, the auctioneer needs to be able to prepare a brochure in time for it to be mailed 16 to 20 days before the auction. The auctioneer cannot incur the significant expense of having the brochure printed before the sale is approved. Similarly, the auctioneer needs to be able to put an itemized list of assets on the firm's website and to provide the itemized list of assets to Bidspotters at the same time.

4. Thus, if the hearing on the Sale Motion is not held by August 2, 2023, the auction cannot take place on August 23, and would have to be continued to a date in early to mid-September. ( The auctioneer has recommended to the Trustee that the sale not be conducted the week before Labor Day).

5. The Trustee has conferred with counsel for Avidia Bank, which concurs with the Trustee's request for relief,<sup>1</sup> as does counsel for First Citizens Bank.

Respectfully submitted this 20<sup>th</sup> day of July, 2023.

By: /S/ Steven Weiss  
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<sup>1</sup> The Trustee has also been advised that Avidia expects to be acquiring the Legalist claim on July 24<sup>th</sup>.

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